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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/438,590 11/12/99 CONCANNON

A P/2167-125

002352 WM02/1108
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NEW YORK NY 10036-8403

EXAMINER

PWU, J

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

11/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/438,590

Applicant(s)

CONCANNON ET AL.

Examiner

Jeffrey C Pwu

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2164

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspond nce address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. This action is responsive to the application, filed 1999-11-12.
2. The disposition of claims is: claims 1-13 are pending as filed. Claims 1 and 6 are independent.
3. The group art unit of the Examiner handling your case has changed. The new art unit is **2164**. Please use current art unit on all correspondence to help us route your case in a timely fashion.

Title

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by *Clark et al.* (US 6,058,378).

Clark et al. teaches a system for processing funds transfer from a customer of financial institution, the system comprising:

(Claim 1) ➤ a first processor receiving a bulk file from the customer (col.3, lines 5-8), the bulk file containing a plurality of funds transfer transactions, the first processor grouping the plurality of funds transfer transactions into funds transfer transactions requiring a foreign exchange operation (col.3, lines 8-14), denoted as foreign exchange funds transfer transactions (14(4-6) of fig.1; it is inherent that foreign exchange with Europe, Latin America or Asian countries are denoted 'foreign exchange'), and funds

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transfer transactions not requiring a foreign exchange operation, denoted as same currency funds transfer transactions (14(1) of fig.1);

➤ a second processor coupled to the first processor, the second processor receiving the same currency funds transfer transactions not requiring a foreign exchange operation from the first processor, the second processor generating first funds transfer instructions in response to the same currency funds transaction (col. 13, lines 24-col.18, line 35);

➤ a funds transfer processor coupled to the second processor, the funds transfer processor receiving the first funds transfer instructions from the second processor and executing the received first funds transfer instructions by transferring funds to a funds transfer processor of another financial institution (col. 13, lines 24-col.18, line 35);

➤ a trading processor coupled to the first processor, the trading processor receiving the foreign exchange funds transfer transactions from the first processor, the trading processor executing a foreign exchange operation in response to the received foreign exchange funds transfer transactions (col. 13, lines 24-col.18, line 35);

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(claim 2) ➤ the trading processor is coupled to the second processor, the trading processor forwarding to the second processor the foreign exchange funds transactions and funds resulting from the foreign exchange operation;

➤ the second processor generating second funds transfer instructions in response to the foreign exchange funds transfer transactions and funds resulting from the foreign exchange operation, and the funds transfer processor receiving the second funds transfer instructions from the second processor and executing funds to a funds transfer processor of another financial institution (col. 13, lines 24-col.18, line 35);

(Claim 3) ➤ a link coupling the first processor to a system of the customer, wherein the customer system transmits the bulk file to the first processor (col. 13, lines 24-col.18, line 35);

(Claim 4) ➤ a firewall disposed in the link coupling the first processor to the customer system (col.6, lines 34-43; 20-23 of fig.1);

(Claim 5) ➤ a market link from the trading processor to a foreign exchange market, wherein the trading processor receives real time foreign exchange rates over the link (col.2, lines 38-40);

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Clark et al also teaches a method for processing funds transfer from a customer of financial institution, the method comprising the steps of:

(Claim 6) ➤ receiving a bulk file from the customer, the bulk file containing a plurality of funds transfer transactions (col.2, lines 34-37);

➤ grouping the plurality of funds transfer transactions into funds transfer transactions requiring a foreign exchange operation, denoted as foreign exchange funds transfer transactions (14(4-6) of fig.1; it is inherent that foreign exchange of US Dollar with Europe, Latin America or Asian countries are denoted 'foreign exchange'), and funds transfer transactions not requiring a foreign exchange operation, denoted as same currency funds transfer transactions (14(1) of fig.1);

➤ executing a foreign exchange operation in response to the foreign exchange funds transfer transactions to thereby generate available funds; and settling the foreign funds transfer transactions using the available funds (col.5, line 38- col.6, line 26);

(Claim 7) ➤ generating funds transfer instructions in response to the same currency funds transfer transactions and settling the same currency funds transfer transactions in response the funds transfer instructions (13', 14 (1) of fig.1);

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(Claim 8) ➤ separating the received bulk file into its component funds transfer transactions the component funds transfer transactions including the foreign exchange funds transfer transactions and the same currency funds transfer transactions (fig.1, 14(1) ...-14(n));

(Claim 9) ➤ sending an acknowledgment to the customer upon receipt of the bulk file and upon the settlement of the funds transfer transactions (10);

(Claim 10) ➤ grouping the foreign exchange funds transfer transactions into batches according a market in which the foreign exchange operation is to take place (14(1), 14(2), ... 14(n));

(Claim 11) ➤ validating the format and contents of the batches (col.10, lines 49-53 and fig.5A, fig.5B);

(Claim 12) ➤ validating the format and contents of the foreign exchange funds transfer transactions contained in the batches (col.10, lines 49- col.11, line 43; fig.5A, fig.5B);
and

(Claim 13) ➤ aggregating the foreign exchange funds transfer transactions contained in the batches according to a currency of the foreign exchange operation (abstract; col.3, line 6).

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Prior art Made of Record Not Explicitly employed

- US 5,978,485 describes a foreign exchange transaction system having a plurality of processor-based multilateral settlement agents and each having a second money module and a second host application.
- US 5,963,647 discloses a method and system for transferring funds from an account to an individual.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to

(703)-308-9051 (**formal** communications intended for entry)

Or:

(703)-305-9724 (**informal** communications labeled **PROPOSED** or

DRAFT)

Hand-delivered responses should be brought to:

Sixth Floor Receptionist, Crystal Park II, 2121 Crystal Drive, Arlington,

VA.

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7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835.

Jeffrey Pwu

A handwritten signature in black ink, appearing to read 'Jeffrey Pwu', written in a cursive style.

5 November 2001